

### **REMARKS**

Claims 1, 3-18, 20-35 and 37-38 are pending in this application. Claims 2, 19 and 36 had been previously canceled. Claims 1, 18 and 35 are independent. Claims 1, 10, 14, 17, 18, 27, 31, 34, 35 and 38 have been amended. These amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

### **Interview Summary**

Applicants thank the Examiner for the courtesies extended during the personal interview in the U. S. Patent and Trademark Office conducted on October 7, 2009. During the interview, claim amendments were discussed that would overcome the Yamamoto and Watanabe references.

### **Claim Rejections under 35 U.S.C. § 101**

Claims 1-7 have been rejected under 35 U.S.C. § 101 because the Examiner asserts the claimed invention is allegedly directed to non-statutory subject matter because the Examiner believes claims 1-7 recite software units, and lacks hardware. In light of the amendment of independent claim 1, in line with the Examiner's suggestion during the personal interview on October 7, 2009, it is respectfully requested that the rejection of independent claim 1 and dependent claims 2-7 be withdrawn.

### **Claim Rejections under 35 U.S.C. § 103 – Yamamoto, Watanabe**

Claims 1, 3-11, 13, 14, 17, 18, 20-28, 30, 31, 34, 35, 37 and 38 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamamoto ("Yamamoto", U.S. 2004/0008373) in view of Watanabe ("Watanabe", U.S. 2003/0202585). This rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, **“creating, using a processor, outline presenting information corresponding to each of a plurality the image data in parallel”**. Independent claims 18 and 35 similarly recite this feature. The Examiner asserts that Yamamoto teaches or suggests these feature (*See Office Action, Pages 12-13*). The Examiner asserts that a singular email and a singular attachment comprise two image items and thus comprise image data that is presented in parallel (*See Office Action, Pages 12-13*). However, it is clear, as discussed during the personal interview conducted on October 7, 2009, that when the claim is read in light of the specification, the image data pertains to *multiple attachments, not an email and an attachment*.

Moreover, the Examiner is requested to point out where in Yamamoto creating an *outline* (as claimed) is taught and where presenting each of a plurality of image data *in parallel*, (as claimed) is taught, since no citations to Yamamoto were made for these features. There is simply no discussion in Yamamoto of creating *outline presenting information corresponding to image data*, much less creating outline presenting information corresponding to each of a plurality of image data *in parallel* as similarly recited in claims 1, 18 and 35.

Independent claim 1 recites, *inter alia*, **“said presentation unit presents alternative information before completion of said outline presenting information creation process, said alternative information includes at least intermediate information under course of creation in said outline presenting information creation unit in stages according to respective said outline presenting information creation process and another set of information, and said outline presenting information is presented by the presentation unit in place of said alternative information when said outline presenting information creation process is completed”**. Independent claims 18 and 35 similarly recite this feature.

The Examiner admits that Yamamoto does not teach or suggest this feature (*See Office Action, Page 6*). The Examiner relies on Watanabe to cure the deficiencies of Yamamoto. However, Watanabe does not teach or suggest the above-mentioned feature. As discussed in the interview conducted on October 7, 2009, there is clearly no discussion of alternative information, which is presented in stages before the completion of the outline presenting information, and replacing the alternative information with the outline presenting information once the outline presenting information creating process is completed.

Moreover, the Examiner asserts that Watanabe's "display of frames in which image data will be displayed" is equivalent to the "intermediate information" (*See Office Action, Page 13*). The Examiner asserts that the layout of the data is presented to a user as a first stage and upon obtaining images the layout framers are filled with image data in a second stage (*See Office Action, Page 13*). Therefore, based on the Examiner's assertions, presentation of images in the frames should be equivalent to an outline that will be finally displayed. However, it is clear that images in a frame *is not equivalent to an outline as claimed*. Thus, the assertions that the intermediate information is equivalent to the layout frame in motion picture display is clearly erroneous.

Furthermore, the Examiner agreed, during the interview conducted on October 7, 2009, that Yamamoto and Watanabe, alone or in combination, do not teach the claimed features. Thus, Yamamoto and Watanabe are wholly devoid of "said presentation unit presents alternative information before completion of said outline presenting information creation process, said alternative information includes at least intermediate information under course of creation in said outline presenting information creation unit in stages according to respective said outline presenting information creation process and another set of information, and said outline presenting information is presented by the presentation unit in place of said alternative information when said outline presenting information creation process is completed" as recited in claim 1 and similarly recited in claims 18 and 35.

Moreover, the Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Court quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396. (*See MPEP § 2141*). The Examiner asserts that it is "obvious to one of ordinary skill in the art at the time of the Applicants' invention to have combined Watanabe with Yamamoto, since it would have allowed a user to view an outline of data while obtaining the outline of data. There is no support for this conclusory statement as Yamamoto relates to *e-mail transmissions* while Watanabe relates to *motion picture retrieval*. Neither discuss obtaining or

viewing outline data. The Examiner has not responded to this argument and has not provided an explicit reason for combining these references.

For at least the reasons stated above, independent claims 1, 18 and 35 are patentably distinct from Yamamoto and Watanabe. Claims 3-11, 13, 14, 17, 20-28, 30, 31, 34, 37 and 38 are at least allowable by virtue of their dependency on a corresponding allowable independent claim.

Accordingly, it is respectfully requested to withdraw this anticipation rejection of claims 1, 3-11, 13, 14, 17, 18, 20-28, 30, 31, 34, 35, 37 and 38 based on Yamamoto and Watanabe.

**Claim Rejections under 35 U.S.C. § 103 – Yamamoto, Watanabe, Aiyama**

Claims 12 and 29 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamamoto (“Yamamoto”, U.S. 2004/0008373) in view of Watanabe (“Watanabe”, U.S. 2003/0202585) further in view of Aiyama (“Aiyama”, U.S. 2002/0076245). This rejection is respectfully traversed. Aiyama does not remedy the noted deficiencies of Yamamoto and Watanabe and thus cannot correct the defects of the Examiners rejection based solely on Yamamoto and Watanabe.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 12 and 29 based on Yamamoto, Watanabe and Aiyama.

**Claim Rejections under 35 U.S.C. § 103 – Yamamoto, Watanabe, Menich**

Claims 15, 16, 32 and 33 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yamamoto (“Yamamoto”, U.S. 2004/0008373) in view of Watanabe (“Watanabe”, U.S. 2003/0202585) further in view of Menich (“Menich”, U.S. 2003/0187632). This rejection is respectfully traversed. Menich does not remedy the noted deficiencies of Yamamoto and Watanabe and thus cannot correct the defects of the Examiners rejection based solely on Yamamoto and Watanabe.

Accordingly, it is respectfully requested to withdraw this obviousness rejection of claims 15, 16, 32 and 33 based on Yamamoto, Watanabe and Menich.

**CONCLUSION**

In view of the above amendment and remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact Charu K. Mehta, Reg. No. 62,913 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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